

1 D. Chris Albright (No. 004904)

2 **ALBRIGHT STODDARD WARNICK & ALBRIGHT. P.C.**

3 Quail Park I, Building D-4

4 801 South Rancho Drive

5 Las Vegas, Nevada 89106-3854

6 Telephone: (702) 384-7111

7 Facsimile: (702) 384-0605

8 Email: dca@albrightstoddard.com

9 Mark A. Fuller (Pro Hac Vice)

10 Glen Hallman (Pro Hac Vice)

11 **GALLAGHER & KENNEDY, P.A.**

12 2575 East Camelback Road, Suite 1100

13 Phoenix, Arizona 85016

14 Telephone: (602) 530-8000

15 Facsimile: (602) 530-8500

16 Email: [maf@gknet.com](mailto:maf@gknet.com)

17 *Attorneys for Plaintiff*

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 TASER INTERNATIONAL, INC.,

21 Plaintiff,

22 vs.

23 STINGER SYSTEMS, INC.; JAMES F.  
24 MCNULTY, Jr.; and ROBERT GRUDER,

25 Defendants.

No. 2:09-CV-00289-KJD-PAL

**TASER INTERNATIONAL, INC.'S  
REPORT FOR AUGUST 30, 2010  
STATUS CONFERENCE (WITHOUT  
PARTICIPATION OF DEFENDANTS)**

26 ///

///

1 Plaintiff Taser International, Inc. (“TASER”) submits the following status report  
 2 for the upcoming status conference.<sup>1</sup>

3 **1. Entry of Protective Order.**

4  
 5 There has been no progress in the outstanding discovery amongst the parties,  
 6 including the e-discovery. We believe all the parties agree that the entry of a protective  
 7 order is necessary and appropriate for production of certain sensitive financial and other  
 8 materials to proceed. As the Court will recall, TASER submitted a proposed Protective  
 9 Order as Exhibit “C” to its Memorandum of July 20, 2010. Dkt. #80. The proposed  
 10 Protective Order tracked word-for-word with the Protective Order *stipulated to* by the  
 11 parties in the ongoing Federal Court litigation in Phoenix. That stipulation included a  
 12 “Stipulation to Supplement Protective Order” that provided:  
 13

14  
 15 IT IS ORDERED that notwithstanding  
 16 James McNulty’s appearance as counsel  
 17 of record for Defendant Stinger Systems,  
 18 Inc., Mr. McNulty shall continue not to  
 19 have access Confidential or Attorney’s  
 Eyes Only information produced by  
 Plaintiff TASER International, Inc. in  
 this case . . . . *Id.*, Exhibit B.

20 Thus TASER respectfully renews its request for entry of the Protective Order  
 21 attached as Exhibit “C” to Dkt. #80.

22  
 23 ///

24  
 25 ///

---

26 <sup>1</sup> Undersigned counsel invited Defendants, via email (*See* Exhibit “A” attached hereto), to provide any input they wished, to provide for a joint report, but received no response.

1           **2.     TASER's Motion to Compel / Motion for Protective Order.**

2           As set forth in TASER's motion (Dkt. #101), Defendants amongst themselves  
3 have noticed two depositions for August 31, 2010, the day following the status  
4 conference, at which Mr. McNulty himself claims he will for the *first time* "produce  
5 documentary evidence." (Dkt. #99, p. 23). This is a self-evident abuse of the Federal  
6 Rules of Civil Procedure, and in fact an express admission by Mr. McNulty that he is  
7 violating the Rules.  
8

9           TASER respectfully requests the Court enter an Order providing that the  
10 depositions not proceed, further order that Mr. McNulty produce all such "documentary  
11 evidence" by a date certain, and award TASER its reasonable costs incurred in bringing  
12 the motion.  
13

14           **3.     Defendants' Motion for Order to Show Cause.**

15           As TASER's Response to the Motion demonstrates (Dkt. #97), the Motion is  
16 baseless. TASER respectfully requests the Court deny it summarily, and award TASER  
17 its reasonable costs incurred in responding to the groundless Motion. Alternatively, if the  
18 Court feels oral argument is appropriate and necessary, TASER submits it would be  
19 appropriate to set a date for that oral argument.  
20

21           **4.     Discovery.**

22           As set forth in Section (1) above, discovery has largely been stymied, and none of  
23 the parties have completed production of documents and information previously agreed-  
24 to. Also, with the District Court's granting of Mr. McNulty's counterclaim, TASER  
25  
26

1 submits it would be appropriate to schedule future discovery on dual tracks, i.e., bifurcate  
2 discovery on TASER's complaint from discovery on Mr. McNulty's counterclaim.  
3 TASER respectfully submits it would be appropriate to both set differing deadlines, and  
4 to order that depositions of all parties' representatives may be conducted without  
5 prejudice to continue those depositions for future inquiry relating to Mr. McNulty's  
6 counterclaim.  
7

8 Thus TASER believes all the parties agree that new discovery deadlines should be  
9 set, including production of expert witness reports, after the necessary damages discovery  
10 has been completed.  
11

12 **6. Summary.**

13 As the Court will surely see, progress in this matter has been hindered by the  
14 contentious conduct of the Defendants. TASER respectfully submits the Court should  
15 consider any other direction the Court deems appropriate to the parties to facilitate  
16 moving this case forward more expeditiously.  
17

18 Respectfully submitted this 24th day of August, 2010.  
19

20 **GALLAGHER & KENNEDY, P.A.**

21 By: /s/ Glen Hallman  
22 Mark A. Fuller  
23 Paul K. Charlton  
24 Glen Hallman  
25 2575 East Camelback Road, Suite 1100  
26 Phoenix, Arizona 85016-9225

and

1 D. Chris Albright  
2 Albright Stoddard Warnick & Albright, P.C.  
3 Quail Park I, Building D-4  
4 801 South Rancho Drive  
5 Las Vegas, Nevada 89106-3854

*Attorneys for Plaintiff*

6 **CERTIFICATE OF SERVICE**

7 I hereby certify that on the 24th day of August, 2010, I electronically transmitted  
8 the attached document to the Clerk of the Court using the CM/ECF System for filing and  
9 transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

10 P. Sterling Kerr, Esq.  
11 Marvin L.P. Simeon, Esq.  
12 LAW OFFICES OF P. STERLING KERR  
13 2450 St. Rose Parkway, Suite 120  
14 Henderson, Nevada 89074  
15 *Attorneys for Defendants Stinger Systems,*  
16 *Inc. and Robert Gruder*

17 G. Mark Albright, Esq.  
18 D. Chris Albright, Esq.  
19 Albright Stoddard Warnick & Albright, P.C.  
20 Quail Park I, Building D-4  
21 801 South Rancho Drive  
22 Las Vegas, Nevada 89106-3854  
23 *Co-Counsel for Plaintiff*

24 I further certify that on the 24th day of August, 2010, I served the attached  
25 documents via electronic mail and U.S. Postal Service, First-Class Postage Prepaid, on  
26 the following party, who is not a registered participant on the CM/ECF System:

James McNulty  
10620 Southern Highland Parkway, Suite 110  
Las Vegas, Nevada 89141  
Defendant *Pro Se*

By: /s/ Kim Haggard  
2527793 / 20791-0003